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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 ETTNYTTA K. WALTON,)

10 Plaintiff,)

11 v.)

12 STEPHEN PERRY, Administrator, General)
13 Services Administration,¹)

14 Defendant.)
15 _____)

CASE NO. C04-1516RSM

ORDER GRANTING
MOTION FOR APPOINTMENT
OF COUNSEL

16 This matter comes before the Court on plaintiff's Motion for Reconsideration of this
17 Court's previous Order denying her Motion for Appointment of Counsel and Motion for
18 Appointment of Counsel. (Dkts. #7 and #10). Plaintiff initially filed an employment
19 discrimination case pursuant to Title VII of the Civil Rights Act of 1964 and the Americans with
20 Disabilities Act of 1990, through counsel, on July 1, 2004. (Dkt. #1). Defendant filed his
21 Answer on September 10, 2004.

22 Through no fault of plaintiff, nothing further was filed in her case. The Court
23 subsequently learned that plaintiff's attorney had abandoned all of his cases, and his office was
24 closed. Accordingly, the Court allowed plaintiff several months to secure new counsel. Plaintiff
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26 ¹ Defendant notes that Mr. Perry has been substituted for the originally-named defendant, Thurman M. Davis, Sr., as Mr. Davis is no longer the acting administrator of the General Services Administration ("GSA"). Fed. R. Civ. P. 26(d).

1 was unsuccessful, and filed a motion asking this Court to appoint counsel for her.

2 The Court considered plaintiff's motion for appointment of counsel and determined that
3 she had submitted an adequate financial affidavit demonstrating a lack of financial resources to
4 secure private counsel, and that she had demonstrated an adequate effort to secure private
5 counsel. *See Bradshaw v. Zoological Society of San Diego*, 662 F.2d 1301, 1318 (9th Cir.
6 1981). However, this Court also found that it did not have enough information to determine
7 whether plaintiff's claim has any merit. In particular, this Court noted that plaintiff's application
8 for appointment of counsel failed to state whether the Equal Employment Opportunity
9 Commission ("EEOC"), the Washington State Human Rights Commission, or any other state
10 agency had officially determined whether there is reasonable cause to believe the allegations of
11 plaintiff's Complaint are true, nor had plaintiff submitted any additional statement showing why
12 her claim has merit. Accordingly, the Court declined to forward the motion to the Federal Bar
13 Association's Pro Bono Panel, and denied appointment of counsel.

14 On April 4, 2005, plaintiff moved for reconsideration of that determination. (Dkt. #10).
15 With her motion, plaintiff provided copies of her employment termination letter, as well as
16 excerpts from her EEOC record. The Court then determined it was appropriate to forward
17 plaintiff's case for screening by the Pro Bono Panel. (Dkt. #14).

18 The Pro Bono Panel has since responded to the Court, recommending that counsel be
19 appointed for plaintiff.

20 Accordingly, the Court hereby ORDERS:

21 (1) Plaintiff's Motion for Reconsideration (Dkt. #10) is GRANTED.

22 (2) Plaintiff's Application for Appointment of Counsel (Dkt. #7) is GRANTED, and the
23 Clerk SHALL appoint an attorney from the Pro Bono Panel to represent plaintiff in this case.

24 (3) Once plaintiff's new counsel is appointed, that counsel SHALL enter a Notice of
25 Appearance on plaintiff's behalf. The Court will then issue the appropriate scheduling orders,
26 and the case shall proceed forward.

1 (4) The Clerk shall direct a copy of this Order to plaintiff and to all counsel of record.
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3 DATED this 27 day of June, 2005.
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5 /s/ Ricardo S. Martinez
6 RICARDO S. MARTINEZ
7 United States District Judge
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